

1 BARRY E. HINKLE, Bar No. 071223
 2 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
 3 WEINBERG, ROGER & ROSENFELD
 A Professional Corporation
 4 1001 Marina Village Parkway, Suite 200
 Alameda, CA 94501-1091
 Telephone (510) 337-1001
 Facsimile (510) 337-1023

5 Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

10 THE BOARD OF TRUSTEES, in their) No. CV-07-6403 CRB
 11 capacities as Trustees of the LABORERS)
 12 HEALTH AND WELFARE TRUST FUND)
 13 FOR NORTHERN CALIFORNIA; LABORERS)
 14 VACATION-HOLIDAY TRUST FUND FOR)
 15 NORTHERN CALIFORNIA; LABORERS)
 PENSION TRUST FUND FOR NORTHERN)
 CALIFORNIA; and LABORERS TRAINING)
 AND RETRAINING TRUST FUND FOR)
 NORTHERN CALIFORNIA,

) DECLARATION OF CONCEPCIÓN
) E. LOZANO-BATISTA IN SUPPORT
) OF EX PARTE APPLICATION TO
) CONTINUE CASE MANAGEMENT
) CONFERENCE

16 Plaintiffs,

17 v.

18 KEN DOUGLAS SCHULDT, Individually;)
 19 KEN DOUGLAS SCHULDT, Individually and)
 doing business as ALL ACCESS BOBCAT;)
 ALL ACCESS BOBCAT,

20 Defendants.

22 I, CONCEPCIÓN E. LOZANO-BATISTA, declare as follows:

23 1. I am an associate in the law firm of Weinberg, Roger & Rosenfeld, located at 1001
 24 Marina Village Parkway, Suite 200, Alameda, California, 94501-1091, the attorneys for Plaintiffs
 25 in this matter. I have knowledge of the facts stated in this Declaration and I could and would
 26 testify competently thereto.

27 2. Defendants, Ken Douglas Schuldt, Individually; Ken Douglas Schuldt, Individually

1 and doing business as All Access Bobcat; and All Access Bobcat, was timely served with the
2 complaint on January 3, 2008. Proofs of service were filed before this Court with the Summons
3 evidencing such service on January 8, 2008.

4 3. Defendants filed an Answer and Affirmative Defenses on January 24, 2008.

5 4. Plaintiffs and Defendant met and conferred regarding the ADR options and filed the
6 necessary ADR certifications with this Court on March 7, 2008. Richard Sax, counsel for
7 Defendants, and I agreed to later meet and confer regarding the Case Management Conference
8 Statement.

9 5. On March 24, 2008 I received a phone message from Mr. Sax's assistant, Diane
10 Rantanen, regarding the illness of Mr. Sax and much of his staff.

11 6. On March 25, 2008 I called the Law Offices of Richard Sax to discuss the filing of a
12 joint Case Management Conference Statement and was notified that Mr. Sax and many of his staff
13 were taken ill and that Mr. Sax was still not back to work. His assistant, Diane Rantanen,
14 requested that I file a request to continue the Case Management Conference for thirty (30) days.

I declare under penalty of perjury that the foregoing is true and correct.

17 | Dated: March 25, 2008

//s//
CONCEPCIÓN E. LOZANO-BATISTA

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